



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,855	04/16/2001	Eric Rose	TACOBEL.022A	5107

20995 7590 05/24/2006

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,855	Applicant(s) ROSE, ERIC	
	Examiner James A. Kramer	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Aug. 13, 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Amendment after Non-Final Rejection, filed 3/20/06, with respect to the rejection(s) of claim(s) 1-11 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Applicant asserted that there was no motivation to modify Alpdemir. Examiner believes that the rejection as stated (i.e. Alpdemir in view of Hayman) renders the motivation unclear. As a result the claims are being rejected in this Office Action as Hayman in view of Alpdemir. Examiner believes that the switch of order, and hence the modification of Hayman will make the rejection clear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayman in view of Alpdemir.

Hayman teaches a point-of-sale (POS) register in which food orders are entered (see for example the paragraph bridging columns 1 and 2). Examiner notes that a cash register is a point-of-sale.

Hayman further teaches a plurality of order modules (see for example the paragraph bridging columns 1 and 2).

Hayman further teaches a router connected between said POS register and order modules for selectively routing said POS register to a particular one of said modules (see for example the paragraph bridging columns 1 and 2).

Examiner notes that Hayman's "work stations where such food item is to be prepared" represents Applicant order module. Examiner further notes that as food is ordered in Hayman and food prepare uses the module to receive this order (via CRT) and then use CRT to indicate completion of the order (see column 1, line 68 – column 2, line 11).

Hayman does not teach a text-to-speech synthesizer for converting the POS entries into audible speech; a speech-to-text circuit for recognizing and converting voice commands into control signals and whereby a restaurant worker speaks an audible command into a microphone and receives on headphones audible synthesized voice reciting an order entered into said POS register without the worker having to view any visual display.

Alpdemir teaches a speech-to-text conversion engine converting speech-based input commands and data received from an external device over a communication link into text-based commands and data; a data base storing a plurality of data items; a search engine searching the database for a particular data item in response to the text-based command and data; a text-to-speech conversion engine generating a speech-based representation of the particular data item identified in the database search; and a speech server for communicating the speech-based representation of the particular data item to the external device (see paragraph bridging columns 2 and 3).

Alpdemir teaches an exemplary Speech Server which includes a Dialogic Antares board-based automatic speech recognizer (speech-to-text) that translates the voice data into ASCII text (or another code or symbols) that identifies the spoken words and returns a text or other symbolic representation of the results to the application. The application accesses, via for example a T-1 line or faster Internet connection, the database of the Information Center. Real-time (or near-real-time), active vocabularies are generated at run-time using the database's ASCII text or symbols. The application uses the ASCII text from the database, passes it to a second Antares board running a text-to-speech (TTS) algorithm. The TTS algorithm generates the final voice or audio information that is played to the caller (see column 5, lines 29-42).

Examiner notes that speech recognition is known to enable operators to request information and control systems when their hands and eyes are busy (such as in a restaurant environment). In addition, voice input requires much less user training than do systems relying on complex keyboards, switches, push buttons and other similar devices (see US Patent number 4,624,008 to Vensko et al.; column 1, lines 10-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the interaction between the food preparers and the CRT order modules of Hayman (i.e. food prepare uses the module to receive orders (via CRT) and then use CRT to indicate completion of the order (see column 1, line 68 – column 2, line 11)) by incorporating a Speech Server as taught by Alpdemir. Such a modification would allow the food preparers to speak a command, the order module would recognize the command and then present the prepares with the information requested, such as the next order they need to prepare.

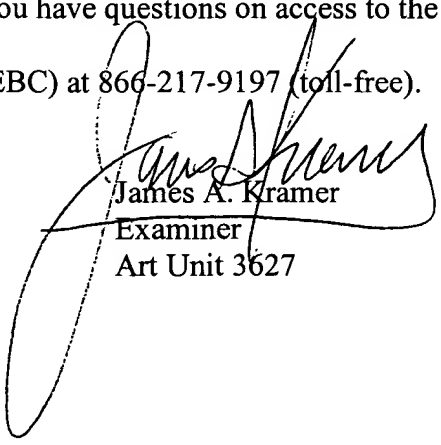
Art Unit: 3627

One of ordinary skill in the art at the time of the invention would have been motivated to modify the references in order to enable operators to request information and control systems when their hands and eyes are busy as well as to provide a system that would require much less training.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James A. Kramer
Examiner
Art Unit 3627

jak
5/19/06